

US Congress hearing Blix attachment Sept 06

Attachment to letter by Hans Blix

1. What steps should be taken to strengthen compliance under the Nuclear Non-Proliferation Treaty?

The NPT may be said to aim at making the world free of nuclear weapons. Non-nuclear weapon states were invited to commit themselves to remain free of nuclear weapons and five nuclear weapon states were invited to commit themselves to negotiations aiming at nuclear disarmament. The parallel invitations also constituted a bargain. Non-nuclear weapon states would not make commitments, which would be immediately operative, unless the nuclear weapon states committed themselves to move toward disarmament.

To achieve the aim of a nuclear weapon free world through the treaty two things would be required: **universality** of adherence and **full compliance** with commitments.

The treaty has been adhered to by more states than any other arms control agreement, but it failed to attain universality. **India, Israel and Pakistan** did not join and are deemed to have nuclear weapons. In addition, **North Korea** has withdrawn from the treaty. On the other hand, **South Africa** did away with its nuclear weapons and joined the treaty as a nuclear-weapon free state.

It is improbable that **India and Pakistan** would abandon their nuclear weapons except in the context of all other nuclear weapon states doing the same. **Israel**, which does not acknowledge having nuclear weapons, has supported the concept of a zone (including Israel) free from weapons of mass destruction in the Middle East. A movement away from nuclear weapons by the five nuclear weapon states parties to the NPT would in all likelihood be joined by India, Israel and Pakistan.

North Korea has declared that it possesses nuclear arms. Negotiations have been pursued to induce North Korea to abandon its indigenous nuclear programme by offering the country assurances about its security, diplomatic relations to end isolation and economic assistance.

As to **compliance**, nearly all **non-nuclear weapon states parties** to the NPT have a good record – verified through IAEA safeguards. However, Iraq, Libya and North Korea (before it withdrew) sought clandestinely to develop nuclear weapons in violation of their commitments.

Iraq was found out through the IAEA inspections carried out in 1991 after the Gulf War and its material capabilities for making nuclear weapons were destroyed.

Libya's efforts secretly to move to nuclear weapons were discovered through intelligence and subsequent inspections. The elimination of the program was secured through negotiations conducted by the US and the UK.

North Korea agreed in 1992 to freeze its nuclear program but must be assumed to have continued secretly to work on a weapons program in the absence of extensive inspection. Current negotiations aim at bringing such program to an end, bringing North Korea back to the NPT as a non-nuclear weapon state and establishing effective **verification of its future compliance**.

Iran claims to be in full **compliance** with the NPT and to pursue a program to enrich uranium exclusively to obtain an indigenous source of fuel for its nuclear power program. Brazil and Japan are other non-nuclear weapon states which have indigenous enrichment programs. However, many governments suspect Iran intends – **in non-compliance** with its NPT commitments – to use the enrichment programme to develop nuclear weapons.

Many efforts have been and are being spent seeking evidence of past and present Iranian intentions. At this stage such efforts seem largely futile. Whatever the intentions of the regime (or parts of it) might have been in the past or may be now, they could change in the future. On the other hand, if Iran were induced to suspend its efforts to develop an industrial scale enrichment program, any nuclear weapon program would be pushed off for the amount of time it would take to restart the enrichment programme and produce the amount of highly enriched uranium required for a weapon.

Currently, there is a need to learn if it would be at all possible to induce Iran to suspend the enrichment program and, if the answer is yes, which the inducements would need to be. As in the case of North Korea there is a

search for effective inducements. Differently from that case, however, security assurances and future official relations have not been reported as inducements offered.

A large number – if not all – of the non-nuclear weapon states parties to the NPT consider that the **nuclear weapon states parties** are seriously **failing in compliance with their commitments** under the treaty to move to nuclear disarmament. They acknowledge the importance of agreements reached and the reduction in nuclear arsenals but point to the end of momentum in the arms control and disarmament field, the lack of constructive negotiations and, indeed, set-backs in the last decade.

The report of the Weapons of Mass Destruction Commission describes a large number of measures that could be taken in order to move on in the field of nuclear arms control and disarmament – from moving nuclear weapons away from hair trigger alert to examining how states can adapt their defense programs to a life without nuclear weapons.

There is little doubt that action to bring the **Comprehensive Test Ban Treaty** into force is the item **highest on the agenda**. There is very strong global support for the treaty, which has been ratified by 135 states including France, Russia and the UK. However, for entry into force the treaty still needs ratification by ten states, notably China, the US, North Korea, India, Pakistan, Israel or Iran. It gives some hope that there is bipartisan support in the US congress for ratification. No other measure in the field of arms control could help more to dispel the current gloom and despair about arms control and to give hope than an entry into force of the CTBT. Continued reliance on the current moratorium is risky. Media have reported suspicions that North Korea might move to nuclear tests. The agreement now sought with North Korea must ensure that North Korea ratifies the CTBT. Yet, this might be difficult to demand, so long as two of the leading negotiating states have not, themselves, ratified.

There are many other items that should be on a new active agenda for arms control and disarmament in compliance with Art. VI of the NPT. Let me just mention a treaty providing a verified prohibition of the production of enriched uranium and plutonium for weapons (FMCT); the withdrawal of nuclear weapons to the countries that own them; non-first use declarations; measures to prevent an arms race in space.

2, Why has the Nuclear Proliferation Treaty failed to prevent the spread of nuclear weapon?

First of all we should perhaps clarify that while in the domestic sphere citizens are obliged to abide by the laws, whether or not they agree with them and are likely to be punished if they do not comply, states may join or not join, ratify or not ratify treaties, depending upon their will and the advantages and disadvantages they see. Hence, to attract adherence and compliance to treaties it is of importance to create such conditions that states want to join.

Through the NPT non-nuclear states could signal to neighbours and the world that they would not become nuclear threats and they could receive such signals. They could obtain commitments by the nuclear weapon states parties that these would negotiate toward nuclear disarmament. They would thereby participate in what they may have seen as a positive global development toward peace. They could further expect easy conditions to obtain peaceful nuclear technology.

For most states the cost they would pay as parties to the NPT was limited: a commitment not to acquire nuclear weapons and international verification. In most – but not all – cases they did not see any security reasons to forego the nuclear weapon option. In any case it was very often one that was beyond their technical ability. It is not surprising, therefore, that the treaty has gained such vast adherence.

Before addressing the shortcomings of the treaty we should note its considerable successes. For instance, all countries in the **Southern hemisphere** are free of nuclear weapons. Recently, a zone free of nuclear weapons was declared by countries, which are parties to the NPT in Central Asia. Not all the states which have joined the treaty were self-evident candidates. Many would be able to make nuclear weapons and many are big or medium sized states, e.g. Algeria, Argentina, Brazil, Germany, Japan, South Africa. Many are located in areas of tension, e.g. Egypt and other Arab states, Turkey and Viet Nam. It should also be noted that when the Soviet Union was dissolved, **Byelorussia, Kazakstan and Ukraine** received guarantees about security, handed over their nuclear weapons to Russia and joined the NPT.

The fulfillment of the aim of the NPT – making the world free of nuclear weapons – raised the need for **universal adherence**. The three states that have not joined – India, Israel and Pakistan – have most likely decided to stay outside because they judged that their respective **security situations** required nuclear weapons. They will hardly abandon their nuclear weapons except in a global or possibly – in the case of Israel – a big regional company.

In the view of the Weapons of Mass Destruction Commission nuclear weapons may be particularly dangerous in some hands but constitutes a **danger in anybody's hands**. Pakistan is a volatile state. Its possession of nuclear weapons underlines the need for the whole world to move away from the nuclear weapons.

Just as security considerations are important behind some states' non-adherence such considerations may also figure among the factors which have led some states' failure to comply. **Iran's enrichment program** appears to go back to the 1980s. If there were intentions to acquire nuclear weapons or getting closer to the option, these might well have been based in suspicions that Saddam Hussein in Iraq was working to develop nuclear weapons and that Iran's security required a response. The suspicion would have been right.

It is conceivable that the rulers of **North Korea and Libya**, two countries that for various – understandable – reasons have been ostracized, have thought they would be less likely to be attacked if they possessed nuclear weapons. They might also have sought recognition as significant players or thought they could force concessions in return for abandoning the weapons. It is difficult, on the other hand, to see that **Iraq** under Saddam Hussein had any security need to develop nuclear weapons. Iraq did not expect any attacks from Israel or Iran. It is more likely that Saddam Hussein sought nuclear weapons as a tool for an expansionist Iraqi policy and perhaps a threat against Israel.

3. Why do some countries lack confidence in the non-proliferation regime?

There is the possibility that some state party may withdraw and develop nuclear weapons. As experience shows there is also the possibility that some state will clandestinely seek to develop these weapons. The IAEA verification system detected that North Korea did not correctly report how

much plutonium it had produced, but it was whistle blowers who first pointed to Iran's non-declared enrichment program and intelligence that detected Libya's nuclear programme. The Iraqi programme was neither detected by IAEA safeguards, nor by intelligence, nor was it reported by any defectors. It became known with the first IAEA inspection after the Gulf War.

With a stronger inspection system in the IAEA secret programs stand a much greater risk of detection or, at least, suspicion. Intelligence is also of great importance. Defectors do not generally come to international organizations and intelligence has enormous resources for surveillance of various kinds. Intelligence does not, on the other hand, have the right that international inspection has, to enter facilities on the ground and demand documentation and explanations. Governments should make full use of both sources of information.

4. How does unilateralism versus multilateralism approaches to global security affect prospects for the abolition of nuclear weapons?

In the view of the Weapons of Mass Destruction Commission a multilateralist approach to global security and disarmament is indispensable. No single country, however powerful, can successfully play the role of a world sheriff. The resources will not be enough. The NPT exemplifies the multilateralist approach. South Africa unilaterally renounced nuclear weapons but the three states which did not join the treaty will abandon their nuclear weapons only in company with the other nuclear weapon states. Influencing North Korea and Iran is also hardly possible through a unilateralist approach.

5. To what extent have non-proliferation sanctions affected the policies of rogue regimes?

The sanctions inflicted on **Iraq** after the Gulf War in 1991 were draconian and probably important to influence the regime to eliminate the weapons of mass destruction it had already in the early 90s. Moreover, these sanctions impoverished the country, which impeded – but did not exclude – further weapons developments. One must not forget, however, that the sanctions on Iraq carried a horrible cost for the Iraqi people.

The sanctions imposed on **Libya** may well have over time influenced the regime and contributed to the settlement it eventually made with the US and UK.

Broad economic sanctions on **Iran** would probably bring support that might otherwise not be available to the government and be perceived by Iranian public opinion as punishment by the big and rich countries.

6. What stricter international controls over fissile material should be implemented to keep the material out of the hands of terrorists?

For quite a number of years the controls over fissile material have been strengthened all over the world and this is a process that is not costly and that should continue. While one cannot exclude the possibility that terrorists may seek to acquire or develop nuclear weapons and try to make use of them, the enterprise to make such a weapon and organize delivery of it would be a rather big one. Experience – which may not be a guide to the future -- shows that simpler means have been preferred. It is for that reason that there is a greater concern about ‘dirty bombs’, i.e. bombs containing radioactive material such as cobalt or cesium, which will not cause fission but if spread through a conventional explosion could contaminate a central area of a city and spread terror. Hence, stricter control over such material is practically important. The more so as it is found in many places in society, e.g. hospitals and industry.

7. Why has the international community failed to adopt “no-first use” policies?

The majority of states in international community would gladly see the adoption of such a rule and it is often requested. However, it is the states possessing nuclear weapons that have the ability to declare such policies and – with the exception of China – they do not. We have rather seen a retrograde evolution in that several nuclear weapon states appear ready to threaten to use nuclear weapons in retaliation for any use of other weapons of mass destruction, such as biological or chemical. This is giving a wider scope for the use of nuclear weapons when the development should go in the opposite direction. The BC weapons have existed a long time without this doctrine.

8. What steps should be taken to strengthen nuclear material and technology export controls?

Export controls are important means of making it more difficult for any state or non-governmental group bent on developing nuclear weapons or “dirty bombs”. They have been applied by exporting states for a long time and may be in need of greater transparency and openness. They have often been criticized as cartels or closed clubs. Nevertheless, Resolution 1540 of the Security Council requires states to put in place effective export controls and urges all states in a position to do so to help. The ability of the network organized by the Pakistani scientist A.Q. Khan to export nuclear equipment showed the need both for legislation and administrative means of implementation. With a growing number of suppliers in more countries greater alertness is needed.

The Proliferation Security Initiative (PSI) is a kind of export control mechanism, under which a number of states have agreed to cooperate by exchanging intelligence and by readiness to interdict and seize illicit international shipments of WMD related items. While the authors of the initiative claim great success, many states have been suspicious of the initiative and suggested that it should be operated under the authority of some international organization. It is possible that the activity has some deterrent effect. The world has not been given much information to judge how useful this initiative has been.

9. How successful are cooperative threat reduction programs in stemming proliferation of nuclear material?

For a very long time there have been programs promoting the conversion of nuclear research reactors to the use of low enriched uranium rather than highly enriched uranium. To ensure that fissile material is securely protected in storage and transport is equally practically important. The measures are not controversial and they may well be worth the resources spent on them.